

# HOUSE . . . . . No. 2902

By Mr. Rushing of Boston, petition of Byron Rushing and others relative to ensuring equal access to services for all residents of the Commonwealth. State Administration and Regulatory Oversight.

## The Commonwealth of Massachusetts

### PETITION OF:

Byron Rushing	Carl M. Sciortino, Jr.
Anne M. Paulsen	Patricia D. Jehlen
Timothy J. Toomey, Jr.	Alice K. Wolf
Kay Khan	Benjamin Swan
Deborah D. Blumer	Martha M. Walz

In the Year Two Thousand and Five.

AN ACT ENSURING EQUAL ACCESS TO SERVICES FOR ALL RESIDENTS OF THE COMMONWEALTH.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

- 1 Chapter 30 of the General Laws is hereby amended by adding
- 2 after section 64 the following new section: —
- 3 Section 65. (a) For the purposes of this section the following
- 4 terms shall mean:
- 5 Program: any program, project or activity for the provision of
- 6 services, financial aid, or other benefits to individuals. This shall
- 7 include, but not be limited to, education or training, employment,
- 8 health, welfare, rehabilitation, housing or other services, whether
- 9 provided directly by the recipient of funds of the commonwealth
- 10 or provided by others through contracts or other arrangements
- 11 with the recipient.
- 12 Recipient: any political subdivision of the commonwealth or
- 13 instrumentality thereof, including quasi-public commissions, or
- 14 any public or private agency, institution or organization, or other
- 15 entity, or any individual, in any political subdivision of the com-

16 monwealth to whom funds of the commonwealth are extended,  
17 either directly or through another recipient, for any program.  
18 Recipient shall include any successor, assignee, or transferee  
19 thereof. It shall not include any ultimate beneficiary under such  
20 program.

21 (b) It shall be the policy of the commonwealth to support and  
22 encourage any residents in their attempt to obtain legal immigra-  
23 tion status and, if they choose, citizenship. Nothing in this section  
24 shall prohibit an agency or employee of the commonwealth or  
25 recipient of commonwealth funds from requesting information or  
26 documentation regarding immigration status to the extent neces-  
27 sary to assist an individual in resolving an immigration question  
28 when such assistance is part of a program's activities and is con-  
29 sistent with this subsection.

30 (c)(1) No regulation, rule, or other requirement may be imposed  
31 by any agency or employee of the commonwealth nor by a recip-  
32 ient of funds from the commonwealth which denies any assis-  
33 tance, benefit, payment, service, or participation in any program  
34 or activity on the basis of alienage or immigration status, except  
35 as required by federal or state statute, or court decision.

36 (c)(2) No agency or employee of the commonwealth nor any  
37 recipient of commonwealth funds shall request information about,  
38 investigate, or assist in the investigation of the alienage or immi-  
39 gration status of any person unless such inquiry or investigations  
40 required by federal or state statute, or court decision; nor shall any  
41 such individual or entity disseminate information regarding the  
42 citizenship or residency status of any person unless required to do  
43 so by federal or state statute, or court decision; nor shall any such  
44 individual or entity condition the provision of any assistance, ben-  
45 efit, payment, service, or participation in any program or activity  
46 on the basis of alienage or immigration status, unless required to  
47 do so by federal or state statute, court decision, or except insofar  
48 as may be lawfully imposed on those persons who are committed  
49 to the custody of the department of corrections.

50 (d) Nothing in this section shall prohibit an agency or employee  
51 of the commonwealth or a recipient of commonwealth funds from  
52 requesting information or documentation regarding alienage or  
53 immigration status to the extent necessary to secure federal reim-  
54 bursement for a specific program.